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Jerold Cohen  
Proc. I

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D. C. 20548**

**FILE: E-188172**

**DATE: March 10, 1977**

**MATTER OF: Bromfield Corporation**

**DIGEST:**

1. Protest concerning SBA denial to issue COC is denied, since record does not show that SBA failed to consider information vital to responsibility determination.
2. Where there is no evidence of arbitrary or capricious action by procuring activity toward protester, claim for bid preparation and related costs is denied.

The Bromfield Corporation (Bromfield) protests the refusal by the Small Business Administration (SBA) to issue it a certificate of competency (COC) in connection with solicitation No. N62670-77-B-0001, issued by the Department of the Navy for the overhaul of the destroyer "Brumby." Bromfield contends that the SBA "failed to consider information vital to responsibility determination." Such information involves Bromfield's planning, vendor and sub-contractor commitments, staffing, and cash flow projection. In addition, Bromfield requests reimbursement for all costs incurred incident to the preparation of its bid and to the Navy and SBA preaward surveys.

Bromfield's low bid was rejected by the contracting officer on the basis that Bromfield was not a responsible bidder. Since Bromfield was a small business concern, the contracting officer referred the question of Bromfield's capacity and/or credit to the SBA in accordance with Armed Services Procurement Regulation § 1-705.4(c) (1976 ed.).

We have consistently held that the refusal by the SBA to issue a COC must be viewed as affirmation of the contracting officer's negative determination of responsibility. Further, under 15 U.S.C. § 637(b)(7) (1970), the SBA has the authority to issue or deny a COC and our Office has no authority to review an SBA determination, to require issuance of a COC, or to reopen a case when a COC has been denied. See 53 Comp. Gen. 344, 346 (1973). However, we will make

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appropriate recommendations where the record discloses that information vital to a responsibility determination has not been considered. Building Maintenance Specialists, Inc., B-186441, September 10, 1976, 76-2 CPD 230; Gallery Industries, Inc. - Request for Reconsideration, B-105903, June 16, 1976, 76-1 CPD 383.

In view of Bromfield's allegation, we requested the SBA file on its COC determination. After a review of the file, we are satisfied that the SBA did in fact consider the information set out in Bromfield's protest to the extent that it was relevant to the issuance or denial of a COC. Bromfield's disagreement with the determination made on the basis of those factors is not a matter for consideration by our Office.

Accordingly, the protest is denied.

In addition, since there is no evidence of arbitrary or capricious action toward Bromfield by the procuring activity, the claim for bid preparation and related costs is denied. See T&H Company, 54 Comp. Gen. 1021 (1975), 75-1 CPD 345.

Acting  Comptroller General  
of the United States